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Report, Part 1

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Summary

¶1. The Government of Vietnam (GVN) continued to make progress in its counternarcotics efforts during 2009. Specific actions included: sustained efforts of counternarcotics law enforcement authorities to pursue drug traffickers; increased attention to interagency coordination; continued cooperation with the United Nations Office on Drugs and Crime (UNODC); increased attention to both drug treatment and harm reduction; continued public awareness activities; and additional bilateral cooperation on HIV/AIDS. Operational cooperation with the U.S. Drug Enforcement Administration's (DEA) Hanoi Country Office has improved, but further progress is still needed in order to achieve significant results. Vietnam is a party to the 1988 UN Drug Convention.

Status of Country

¶2. Trafficked drugs included heroin, opium, cannabis and Amphetamine Type Stimulants ATS (methamphetamine and ecstasy). Police also reported the emergence of crystal methamphetamine (ice) on local markets. Various types of ATS manufactured in Cambodia, China, Lao PDR, Burma and Thailand were smuggled into Vietnam for local consumption. No specific data for 2009 is available on the total amount of illicit drug crop cultivation; however, estimates suggest that opium poppy cultivation remains sharply reduced from an estimated 12,900 ha in 1993, when the GVN began opium poppy eradication. Cultivation in Vietnam probably accounts for only about one percent of the total cultivation in Southeast Asia, according to law enforcement estimates. Official UNODC statistical tables no longer list Vietnam separately with major drug production countries in drug production analyses. Small amounts of cannabis are reportedly grown in remote regions of southern Vietnam. Prior to 2008, DEA had no evidence of any Vietnamese-produced narcotics reaching the United States nor was Vietnam a source or transit country for precursors. However, more recent information indicates that precursor chemicals and Ecstasy are beginning to be shipped from Vietnam into Canada for eventual distribution in the United States. The dual use chemical, Sassafras, (sassafras oil from which ecstasy can be produced) is not produced in Vietnam, but it is imported into Vietnam for re-export under controls to third countries. The potential for diversion of sassafras oil into clandestine ecstasy production remains an area of concern. In 2009, the GVN continued to view other Golden Triangle countries,

primarily Burma and Laos, as the source for most of the heroin supplied to Vietnam. GVN authorities are particularly concerned about rising ATS-Amphetamine-type Stimulants use among urban youth. During 2009, the GVN continued enforcement and awareness programs that it hopes will enable Vietnam to avoid a youth synthetic drug epidemic. Resource constraints in all aspects of narcotics programs are pervasive, and GVN counternarcotics officials note that, as a developing country, Vietnam will continue to face resource constraints for the foreseeable future, despite annual budget increases for counternarcotics efforts.

Country Actions against Drugs in 2009

¶3. Policy Initiatives. The structure of the GVN's counternarcotics efforts is built around the National Committee on AIDS, Drugs and Prostitution Control (NCADP), which includes 18 GVN ministries and Communist Party affiliated organizations as members. In addition, the Ministry of Public Security (MPS), as NCADP's standing member, has a specialized unit to combat and suppress drug crimes, and the Standing Office for Drug Control (SODC) under the MPS is responsible for assisting the Minister of Public Security, as the Vice Chairman of NCADP, in advising the Government on development and multi-sector coordination of drug control policies. The SODC also maintains an information unit for collecting and maintaining data on drug trafficking and other drug-related crimes.

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In June 2008, the National Assembly passed a revised Law on Amendment and Supplement to the Law on Drugs Prevention and Control, which delineates in more detail the responsibilities of law-enforcement authorities, including police, border army, maritime police, and customs, in preventing drug use and controlling drug supply. The law also stipulates that HIV harm reduction activities to be consistent with the HIV/AIDS Law of ¶2006. The new law came into effect in January 2009, with implementation ongoing throughout the year.

¶4. The Government placed the counter-narcotics issue high on its agenda, and has established a National Drug Control Target Program that aims to improve Vietnam's legal system and policies, build drug control capacity, and streamline and reform interagency drug control coordination. The Program also seeks to increase the involvement of civil society in drug control and promote international cooperation.

¶5. The GVN continues to emphasize drug awareness and prevention and views education and demand reduction as integral parts of its effort to comply fully with the 1988 UN Drug Convention. During 2009, many provinces and cities continued to implement their own drug awareness and prevention programs, as well as demand reduction and drug treatment. The GVN continued to rely heavily on counternarcotics propaganda, culminating in the annual drug awareness month in June 2009. Officially sponsored activities cover every aspect of society, from schools to unions to civic organizations and government offices. In 2009, the GVN continued its ongoing effort to de-stigmatize drug addicts in order to increase their odds of successful treatment, and to help control the spread of HIV/AIDS.

¶6. Law Enforcement Efforts. According to SODC, by the end of September 2009, there were almost 11,000 drug cases involving 16,000 suspects. Total seizures included 280 kg of heroin, 60 kg of opium, 500 kg of cannabis, 700,000 ATS tablets, 1 kg of ketamine, and 800,000 tablets and 8,000 ampoules of addictive

pharmaceuticals. Drug laws remain very tough in Vietnam, with a mandatory death penalty for possession or trafficking of 600 grams or more of heroin, or 20 kg of opium gum or cannabis resin. Drug crimes were often connected to money laundering and other crimes such as robbery, homicide, firearms trafficking, counterfeit trafficking and human trafficking. Foreign law enforcement sources do not believe that major trafficking groups have moved into Vietnam; however, Vietnamese law enforcement authorities have raised the issue of West African crime syndicates establishing a presence in Vietnam. U.S. law enforcement officials report that West African criminal organizations are utilizing Vietnam as an operational center to coordinate the trafficking of Southeast and Southwest Asia heroin. Additional information revealed that West African criminal organizations in Pakistan are also recruiting couriers, many of whom are Vietnamese nationals, to traffic heroin from Pakistan to Vietnam and to China through Vietnam.

¶7. Foreign law enforcement representatives in Vietnam state that operational cooperation on counternarcotics cases is limited largely due to legal prohibitions and policy restrictions that largely preclude Vietnam's drug enforcement authorities from sharing information and supporting bilateral investigations with foreign police agencies. However, there is some operational cooperation on a case-by-case basis. While changes in Vietnamese law are necessary to provide a legal and procedural basis for more comprehensive, systematic cooperation with foreign law enforcement agencies, U.S. law enforcement agencies noted that agency-to-agency agreements have made cooperation on individual cases easier. During 2009, cooperation between GVN law enforcement authorities and the DEA remained consistent with the experience in 2008, with counternarcotics police sharing only basic investigative information on a case-by-case basis.

¶8. Corruption. As a matter of GVN policy, Vietnam does not encourage or facilitate the illicit production or distribution of narcotic or psychotropic drugs or other controlled substances, or the laundering of proceeds from illegal drug transactions. No

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information known to U.S. law enforcement agencies specifically links any senior GVN official with engaging in, encouraging or facilitating the illicit production or distribution of drugs or substances, or the laundering of proceeds from illegal drug transactions. Nevertheless, a certain level of corruption is consistent with the fairly large-scale movement of narcotics into and out of Vietnam and is likely occurring both among lower-level enforcement personnel and higher-level officials. The GVN demonstrated a willingness to prosecute some corrupt officials on narcotics related offenses, although most of the targets were relatively low-level.

¶9. Agreements/Treaties. Vietnam is a party to the 1988 UN Drug Convention, the 1961 UN Single Convention as amended by the 1972 Protocol and the 1971 UN Convention on Psychotropic Substances. Vietnam has signed, but has not yet ratified, the UN Convention against Transnational Organized Crime.

¶10. Vietnam ratified the UN Corruption Convention on June 20, 2009. Vietnam issued a statement saying it would not be held to item 2, Article 66 of this convention. This item stipulates that if disputes on the explanation and application of the convention cannot be solved by negotiation or arbitrators, members have the right to bring the case to the international private law court. Vietnam also stated to it would not adhere to some optional regulations, such as criminalizing illegal money-making acts, corruption in the private sector, the use of special investigative techniques, which Vietnamese laws do not cover. In addition, Vietnam does not consider this convention as a direct legal

foundation for the extradition of corruption-related criminals; extradition must be based on Vietnamese laws.

¶11. In February 2004, the United States signed a Letter of Agreement (LOA) with the Government of Vietnam on Counternarcotics Cooperation to facilitate U.S. Government funded counternarcotics programs in Vietnam. On November 16, 2006, DEA and MPS signed a non-binding Memorandum of Understanding (MOU) to facilitate cooperation, including information sharing, coordinated operations, and capacity building. DEA and MPS anticipate extending the MOU for three more years.

¶12. Cultivation/Production. During the 2008-2009, authorities nationwide detected and destroyed 45 hectares of poppy plants, primarily in the border provinces of Son La, Lao Cai, Yen Bai, Lai Chau, Lang Son, Gia Lai, Dak Lak, Ha Giang and Dong Nai, and 1 hectare of marijuana. No specific data for 2009 is available on the total amount of illicit drug crop cultivation; however, estimates suggest that opium poppy cultivation remains sharply reduced from an estimated 12,900 ha in 1993, when the GVN began opium poppy eradication. There have been some recent confirmed reports that ATS and heroin have been produced in Vietnam. Local ATS production relies on ATS powder brought from outside the country, which is then processed into pills. GVN law enforcement forces have seized some ATS-related equipment (i.e., pill presses). As part of its efforts to comply fully with the 1988 UN Drug Convention, the GVN continued to eradicate poppies when found and to implement crop substitution. There were, however, some reports of drug refining and trafficking in heroin among hill tribes along the border with Laos.

¶13. Drug Flow/Transit. U.S. and foreign law enforcement sources along with the UN Office on Drugs and Crime (UNODC) believe that significant amounts of drugs are transiting Vietnam. Drugs, especially heroin and opium, enter Vietnam from the Golden Triangle via Laos and Cambodia by land, sea and air, making their way to Hanoi or Ho Chi Minh City, either for local consumption or transshipment to other countries such as Australia, Japan, China, Taiwan and Malaysia. An increasing two-way drug trafficking between Vietnam and China was noted; narcotic drugs and ATS from China to Vietnam, while heroin from the northwest border area was smuggled inside Vietnam before transporting to China. Traffickers in major drug cases reported to police investigators that heroin was trafficked to China to supply drugs for local consumption. Heroin was also trafficked from Cambodia to Vietnam. Law enforcement

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detected Taiwanese traffickers and overseas Vietnamese in Australia smuggling drugs into Vietnam before transporting them to Australia, Hong Kong and Taiwan. Drug trafficking by air was conducted through Ho Chi Minh City's Tan Son Nhat airport.

¶14. The ATS flow into the country during 2009 continued to be serious and not limited to border areas. ATS can now be found throughout the country, especially in places frequented by young people. ATS, such as amphetamine, ecstasy, and especially "ice" methamphetamine (crystal methamphetamine), and other drugs such as diazepam and ketamine continue to worry the government and rank with heroin and cannabis as the most popular drugs in Vietnam. Such drugs are most popular in Hanoi, Ho Chi Minh City and other major cities. During 2009, numerous cases involving ATS trafficking and consumption were reported in the media.

¶15. Drug traffickers have become more sophisticated in recent years and today transport drugs by air, land, sea, and post; employ modern hi-tech communication equipment; change mobile phone sim

cards; and enlist drug users, pregnant women, children, and HIV-infected people as couriers and retailers. U.S. and foreign law enforcement sources estimate that 85 percent of drug traffickers were former convicts, HIV-infected and drug addicts. 70 percent of traffickers are between 18 and 35 years of age and as many as 25 percent of traffickers are female. Traffickers engaged in violence, and in many instances fought back against law enforcement.

¶16. Domestic Programs/Demand Reduction. Several ministries undertake demand reduction activities, which include the distribution of hundreds of thousands of counternarcotics leaflets and videos, and organized counternarcotics painting contests for children. The Ministry of Education and Training (MOET) carries out awareness activities in schools. Counternarcotics material is available in all schools and MOET sponsors various workshops and campaigns at all school levels. The UNODC assesses GVN drug awareness efforts favorably in preventing abuse, but considers these efforts to have minimal impact on the existing addict and HIV/AIDS population.

¶17. Stigma and discrimination against injecting drug users (IDU) in Vietnam - exacerbated by historical campaigns characterizing drug use as a "social evil" - have made it difficult to obtain accurate IDU population size estimates and to expand access to needed services. The Ministry of Labor, Invalids and Social Affairs (MOLISA) reports 180,000 officially "registered" IDU nationally, while SODC reports 150,000 officially registered drug users as of the end of June 2009. The actual size of this population is estimated by U.S. and international organizations to be many times higher. In addition, using even the most conservative estimates of population size, coverage of basic prevention services remains low, though it has consistently improved overtime. According to a recent report from MOLISA, an estimated 35,000 injecting drug users are being detained in 100 government-run rehabilitation centers, with HIV infection rates estimated at over 60 percent in some facilities.

¶18. Vietnam strives to integrate addiction treatment and vocational training to facilitate the rehabilitation of drug addicts. MOLISA reports that approximately 54,000 drug users received treatment, more than 10,000 received vocational training, and approximately 6,000 received basic education. SODC reports that 36 provinces and cities have organized detoxification and rehabilitation for more than 40,000 drug addicts and provided vocational training for more than 4,000 drug addicts and facilitated 150 jobs. These efforts include tax and other economic incentives for businesses that hire recovered addicts. Despite these efforts, only a small percentage of recovered addicts find regular employment.

¶19. HIV/AIDS is a serious and growing problem in Vietnam and distinctive because the behaviors of injecting drug users drive transmission. Ministry of Health reports 243,000 HIV cases in the

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country, a figure considered accurate by both the UNAIDS and the USG. More than 40 percent of known HIV cases are injecting drug users, with many additional infections resulting from transmission to the sexual partners and children of these individuals. The Vietnamese National Strategy for HIV Prevention and Control presents a comprehensive response to HIV, including condom promotion, clean needle and syringe programs, voluntary counseling and testing and HIV/AIDS treatment and care.

¶20. Vietnam was designated the 15th focus country under the President's Emergency Plan for AIDS Relief (PEPFAR) in 2004. The

USG FY09 funding, \$88.5 million, is distributed through PEPFAR agencies such as USAID, HHS/CDC, and the U.S. Department of Defense. The majority of USG support targets seven provinces (Hanoi, Hai Phong, Quang Ninh, Ho Chi Minh City, Can Tho, An Giang and Nghe An), where the epidemic is most severe; however, PEPFAR also supports HIV counseling and testing and community outreach for drug users and sex workers in 30 additional provinces. U.S.-led innovations, such as the provision of medication-assisted therapy (including treatment with methadone) are highly regarded by the government and the international community. The USG currently supports the Vietnam government's pilot medication-assisted therapy program at six sites in two provinces. The program will then expand coverage to additional provinces with the highest prevalence of addiction.

¶21. The Methadone Maintenance Therapy (MMT) program for IDU is currently operational in three sites in HCMC and three sites in Hai Phong, with plans to expand the program to Hanoi by the end of the calendar year 2009. The concentration of HIV infection in IDU populations in Vietnam has spurred the PEPFAR program to focus HIV prevention, care, and treatment efforts in these key urban settings and along drug transport corridors to prevent the continued spread of HIV.

U.S. Policy Initiatives and Programs

¶22. Policy Initiatives. United States policy objectives in counternarcotics cooperation in Vietnam are aimed at improving bilateral cooperation in counternarcotics enforcement and assisting Vietnam to expand the capacity of its counternarcotics law enforcement agencies. The DEA Hanoi Country Office pursues direct cooperation with the Counternarcotics Department of MPS on counternarcotics cases and engages in some capacity-building efforts through funding GVN participation at international events and conferences, as well as conducting some basic training activities. Between April and June, DEA sponsored training for 50 officers from the MPS, Vietnam Marine Police, and MPS Riverine Police Units in the Hai Phong Port area and in the Southern Mekong Delta area of Tien Giang Province. The training, which was funded and carried out by the Joint Interagency Task Force West (JIATF-W), covered tactical training, emergency medical training, and small craft maintenance and technical training. DEA also carried out a seminar in Ho Chi Minh City in September, training approximately 30 Vietnamese Police officers on drug smuggling techniques and interdiction skills. Additionally, DEA and JIATF-W are working with MPS on an infrastructure support project involving the construction of a joint training facility in Vinh, Vietnam. The International Law Enforcement Academy in Bangkok, in cooperation with the Thai Government, provides law enforcement training to Vietnamese officers each year on a range of counternarcotics related courses, training approximately 6 Vietnamese students per course, with a total of approximately 100 Vietnamese officers trained per year. The USG also provided port security and vulnerability assessment and container inspection training to Vietnam.

¶23. The Road Ahead. The GVN is aware of the threat of drugs and Vietnam's increasing domestic drug problem. However, there is a guarded approach to foreign law enforcement assistance including in the counternarcotics arena. During 2009, as in previous years, the GVN made progress with on-going and new initiatives aimed at the law enforcement and social problems that stem from the illegal drug

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trade. The GVN continued to show a willingness to take unilateral action against drugs and drug trafficking, and requested assistance from foreign law enforcement organizations, albeit on a

case-by-case basis. Vietnam still faces many internal problems that make fighting drugs a challenge, including a lack of resources, corruption, and a need for increased capacity amongst its law enforcement entities. While USG-GVN operational cooperation is on the rise, such cooperation will remain limited until Vietnam develops of a legal framework to allow involvement of foreign law enforcement officers in law enforcement investigations on Vietnamese soil, or the signing of a bilateral agreement between the United States and Vietnam to create a mechanism for joint investigations and development of drug cases. The November 2006 Memorandum of Understanding between DEA and the MPS is a first step in this direction, but this non-binding understanding directly addresses law enforcement cooperation on a case-by-case basis and only at the central government level.

Palmer